IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 387 OF 2004

Mrs. Bertha Emilia Fernandes,
r/o House no.141, Grande
Vanelim, Colva, Salcete, Goa. ... Petitioner.

Versus

The Goa Coastal Zone Management
Authority, by its Member Secretary,
c/o Department of Science,
Technology & Environment, Opp.
Saligao Seminary, Saligao,
Bardez, Goa. ... Respondent.

Mr. A. F. Diniz, advocate for the petitioner.

Mr. S. S. Kantak, Advocate General with Ms. Gauri Bhonsale, Addl. Govt. Advocate for the respondent.

CORAM : R. M. LODHA, J.

DATE : 19th August, 2005.

ORAL JUDGMENT

Heard.

Rule.

The advocate on record for the respondent, waives service.

By consent Rule is heard finally.

2. At this stage the merits of the diverse contentions raised in the Writ Petition and the challenge to the impugned Order need not be gone into by me in view of the admitted position that the respondent

authority failed to consider the petitioner's specific case that the disputed structures `E', `F' and `G' were constructed prior to the year 1991. The learned Advocate General appearing for the respondent fairly conceded that this aspect has been overlooked by the respondent authority.

3. The impugned Order dated 19th July, 2004, is accordingly quashed and set aside in respect of the disputed structures `E', `F' and `G'. The matter is remanded back to the concerned authority for fresh consideration in accordance with law.

4. No costs.

R. M. LODHA, J.

mc.